

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11772 of 2020

Selvakumar

... Petitioner

Vs.

The State Rep by
The Sub Inspector of Police,
Polur Police Station,
Polur, Tiruvannamalai District

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in crime No.1608 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 19.07.2020 for the offences punishable under Sections 366(A) of IPC @ 366(A), 376 of IPC read with Section 6 and 8 of POCSO Act, in Crime No.1608 of 2020 seeks bail.

2. The case of the prosecution as per the defacto complainant is that the accused had kidnapped his minor daughter aged 16 years and committed sexual assault on her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. The petitioner and the defacto complainant's daughter who is at the verge of attaining majority were in love with each other and due to the pressure by her parents, she left her house and joined the petitioner without understanding the consequences. Later on coming to know about the registration of the case, they came back to native and surrendered before the respondent. Subsequently, the petitioner was arrested and remanded to judicial custody on 19.07.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the statement of the victim girl has been recorded under Section 164 of Cr.P.C. and the victim girl has not supported the case of the prosecution. He would further submit that the medical examination on the victim girl as well as on the petitioner has been completed.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Polur, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005)AIR SCW 5560];

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

05/08/2020

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
POLUR, THIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 SUB INSPECTOR OF POLICE,
POLUR POLICE STATION, POLUR,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S. B.JAWAHAR Advocate on payment of necessary charges

CRL OP.11772/2020

Date :05/08/2020

RVR 11/09/2020

WEB COPY